

**DECISION****THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548**

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**FILE:** B-214239**DATE:** February 10, 1984**MATTER OF:** Colonial Ford Truck Sales, Inc.**DIGEST:**

Protest of an allegedly restrictive solicitation provision is untimely, and will not be considered on the merits, where not filed in GAO until after the closing date.

Colonial Ford Truck Sales, Inc. protests the inclusion of an allegedly restrictive profit limitation provision in solicitation No. DLA700-84-R-0259, issued by the Defense Logistics Agency for replacement engine parts. We dismiss the protest as untimely.

Our Bid Protest Procedures require that protests based on alleged solicitation improprieties which were apparent prior to the closing date for receipt of initial proposals must be filed prior to that date. 4 C.F.R. § 21.2(b)(1) (1983). We have been advised by the agency that the closing date here was January 19, 1984. Since the alleged deficiency clearly was evident when Colonial received the solicitation, the protest filed on January 27 is untimely and will not be considered on the merits. See MacGregor Athletic Products, B-211452, September 23, 1983, 83-2 CPD 366.

The protest is dismissed.

*Harry R. Van Cleve*  
Harry R. Van Cleve  
Acting General Counsel

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